

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

PHILADELPHIA INDEMNITY
INSURANCE COMPANY, a Pennsylvania
corporation, as subrogee of DH&G, LLC.,

Plaintiffs,

v.

HEWLETT-PACKARD COMPANY,

Defendants.

No. 2:19-cv-00138-RSM

**JOINT MOTION TO MODIFY
CASE MANAGEMENT AND
SCHEDULING ORDER AND EXTEND
TIME FOR FILING DISPOSITIVE
MOTIONS TO PERMIT MEDIATION
FIRST**

**NOTED FOR CONSIDERATION:
November 2, 2021**

I. RELIEF REQUESTED

Defendant Hewlett-Packard Company (“HP”) and Plaintiff Philadelphia Indemnity Insurance Company (“Philadelphia”) jointly move this Court to extend the current Scheduling Order to continue the deadline for dispositive motions to permit the parties to attend a mediation first. In support of this Motion, the Parties state as follows:

II. RELEVANT FACTS

This case arises out of a fire at an apartment complex in Everett, Washington. Philadelphia alleges the fire was caused by a malfunctioning lithium ion battery in a laptop computer manufactured by HP, and claims damages totaling over \$5.6 million. HP denies liability.

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III. ARGUMENT

HP and Philadelphia are both sophisticated commercial enterprises and are represented by experienced counsel. Neither Party will be prejudiced by this extension and have jointly agreed to the proposed extension of deadlines and dates set forth above. The parties jointly agree that under the current circumstances, they would like to avoid the expense of motion practice and trial preparation in an effort to try and resolve the case. The parties plan to schedule a mediation within the next sixty (60) days.

IV. CONCLUSION

In light of the above, the Parties jointly request that this motion be allowed, and that this Honorable Court amend the Scheduling Order deadlines as follows:

Event	Current Date	Proposed Date
Filing Dispositive Motions	November 5, 2021	January 20, 2021
Motions in Limine	January 24, 2022	March 24, 2022
Pretrial Conference	--	TBD
Trial Briefs, proposed voir dire questions, jury instructions, statement of the case, trial exhibits	January 31, 2021	March 31, 2022
Jury Trial Date	February 7, 2022	May 2, 2022 ¹

WHEREFORE, the Parties jointly request that this motion be allowed, and that this Honorable Court amend the Scheduling Order deadlines as set forth above.

V. PROPOSED ORDER

A proposed order granting this Motion is attached.

¹ Parties seek May 2, 2022 or a date thereafter convenient for the Court.

1 Dated this 29th day of October, 2021

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MACMILLAN SCHOLZ & MARKS

3 /s/ Kenneth M. Roessler

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13 Attorney for Defendant HP, Inc.

CERTIFICATE OF SERVICE

I, Zane Lindsay, certify that on October 29, 2021 I electronically filed the foregoing
JOINT MOTION TO MODIFY CASE MANAGEMENT AND SCHEDULING ORDER AND
EXTEND TIME FOR FILING DISPOSITIVE MOTIONS TO PERMIT MEDIATION FIRST
with the Clerk of the Court using the CM/ECF System and caused to be served a true and
correct copy via the method indicated below and addressed to the following:

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